

Entered - 01-15-02 - sb  
CL - 02L0053 ALEXIS HOLMES

CLAIM OF: **FRANCE J. KELLOGG**  
P.O. Box 150775  
Atlanta, Georgia 30315

02-*R*-0794

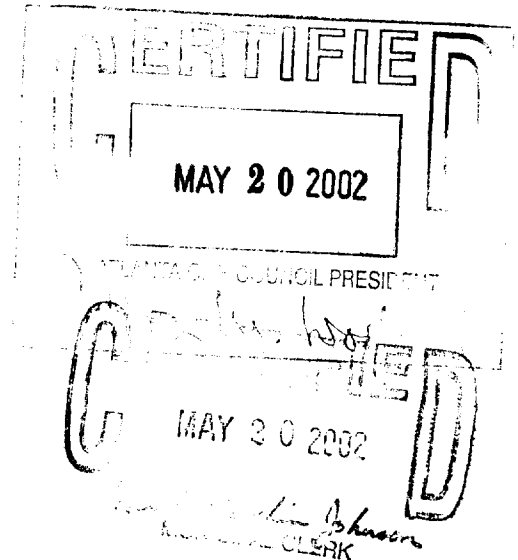
For vehicle damages alleged to have been sustained as a result of a traffic sign cable breaking causing a traffic sign to fall onto the claimant's windshield on December 4, 2001 at Cleveland Avenue near Browns Mill Road.

THIS ADVERSE REPORT IS APPROVED

CONSENT AGENDA

BY: *Robert N. Godfrey*  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL MAY 20



## ADVERSE REPORT

COMM: *Public Safety*

DATE: *5/15/02*

CHAIR: *[Signature]*

*Carla Knight*

*Chela Maxwell*

*Harold Smith*

*C.T. Martin*

*[Signature]*

*Walter Archibald*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

May 31, 2002

France J. Kellogg  
P.O. Box 150775  
Atlanta, GA 30315

02-R-0794

Dear Ms. Kellogg:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 20, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0053

Date: 04/25/02

Claimant/Victim FRANCE J. KELLOGG

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: P.O. Box 150775

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 411.73 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 1/9/02 Method: Written, Proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/4/01 Place: Cleveland Avenue near Browns Mill Road

Department Public Works Division Traffic and Transportation

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant sustained vehicular damage when a cable securing a traffic sign broke and fell onto the windshield of her vehicle causing damages in the above amount. However, the City did not have notice of the hazardous condition of the sign prior to the claimant's incident. The City is immune from liability as set forth in O.C.G.A 36-33-1.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant X Others \_\_\_\_\_ Written X Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager: [Signature] Concur/date 05-03-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3731  
5/20/02  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I            PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

**CONSENT AGENDA MAY 20, 2002**

**ITEMS ADOPTED ON THE  
CONSENT AGENDA**

02-R-0813	02-R-0753
02-R-0812	02-R-0754
02-R-0807	02-R-0755
02-R-0805	02-R-0756
02-R-0721	02-R-0757
02-R-0504	02-R-0758
02-R-0808	02-R-0759
02-R-0708	02-R-0760
02-R-0707	02-R-0761
02-R-0882	
02-R-0881	
02-R-0809	
02-R-0798	
02-R-0797	
02-R-0732	
02-R-0706	
02-R-0724	
02-R-0802	
02-R-0888	
02-R-0887	
02-R-0733	
02-R-0731	
02-R-0728	
02-R-0727	
02-O-0846	
02-O-0830	
02-O-0703	
02-O-0699	
02-O-0671	
02-O-0606	
02-O-0605	
02-O-0833	
02-O-0601	
02-O-0488	
02-O-0836	
02-O-0845	
02-O-0844	
02-O-0843	
02-O-0835	
02-O-0834	
02-O-0603	
02-R-0735	
02-R-0752	

**ITEMS ADVERSED ON THE  
CONSENT AGENDA**

02-R-0762
02-R-0763
02-R-0764
02-R-0765
02-R-0766
02-R-0767
02-R-0768
02-R-0769
02-R-0770
02-R-0771
02-R-0772
02-R-0773
02-R-0774
02-R-0775
02-R-0776
02-R-0777
02-R-0778
02-R-0779
02-R-0780
02-R-0781
02-R-0782
02-R-0783
02-R-0784
02-R-0785
02-R-0786
02-R-0787
02-R-0788
02-R-0789
02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796